



City of Busselton

Geographe Bay

COUNCIL AGENDA

SUPPLEMENTARY ITEMS

26 February 2020

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

city@busselton.wa.gov.au

CITY OF BUSSELTON

LATE ITEMS FOR THE COUNCIL MEETING TO BE HELD ON 26 FEBRUARY 2020

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13. PLANNING AND DEVELOPMENT SERVICES REPORT

13.1 FURTHER DEFERRAL OF CONSIDERATION OF APPLICATION FOR DEVELOPMENT APPROVAL (DA18/0674) - PROPOSED INDUSTRY -EXTRACTIVE (SAND AND GRAVEL) - LOT 101 (285), GIBB ROAD, KALOORUP

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Development / Planning Applications
BUSINESS UNIT	Planning and Development Services
REPORTING OFFICER	Director, Planning and Development Services - Paul Needham
AUTHORISING OFFICER	Director, Planning and Development Services - Paul Needham
NATURE OF DECISION	Quasi-Judicial: to determine an application/matter that directly affects a person's right and interests e.g. development applications, applications for other permits/licences, leases and other decisions that may be appealable to the State Admin Tribunal.
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Nil

OFFICER RECOMMENDATION

That the Council defer consideration of 'Application for Development Approval (DA18/0674) - Proposed Industry - Extractive (sand and gravel) - Lot 101 (285), Gibb Road, Kaloorup' from the ordinary Council meeting of 11 March 2020 to the ordinary Council meeting of 25 March 2020, such that additional traffic impact assessment information can be provided.

EXECUTIVE SUMMARY

At its ordinary meeting of 12 February 2020, Council resolved to defer consideration of 'Application for Development Approval (DA18/0674) - Proposed Industry - Extractive (sand and gravel) - Lot 101 (285), Gibb Road, Kaloorup' to the Council meeting of 11 March 2020. Officers consider additional time is required to provide the additional information requested by Council and are seeking a two week extension of the deferral, to the ordinary Council meeting of 25 March 2020.

BACKGROUND

At its ordinary meeting of 12 February 2020, Council resolved to defer consideration of 'Application for Development Approval (DA18/0674) - proposed Industry - Extractive (sand and gravel) - Lot 101 (285), Gibb Road, Kaloorup' to the Council meeting of 11 March 2020. It is understood Council considered that it required further information in relation to various aspects of the proposal to make a determination, including additional information related to assessment of traffic impacts.

OFFICER COMMENT

To provide further information related to assessment of traffic impacts, officers have arranged for additional traffic counts to be taken, and have also sought external, independent traffic advice. Noting that the agenda for the 11 March meeting is expected to be published on 28 February, it is not considered that the additional information can be provided in time. The additional information could, though, be provided in time for the subsequent 25 March Council meeting (the agenda for which would be expected to be published on 13 March).

Note that there is also some additional information that is expected to be provided in relation to amenity impacts and water issues, as well as some further refinement of recommended conditions that may occur, and will be reflected in the agenda report for 25 March.

Statutory Environment

The key statutory environment in relation to the development application is set out in the *City of Busselton Local Planning Scheme 21* (Scheme), the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), Schedule 2 of which is the 'deemed provisions', which also functionally form part of the Scheme.

Through the planning and State Administrative Tribunal (SAT) legislation, the applicant has a right to lodge an application for review with the SAT (i.e. an 'appeal'); a right which emerged some time ago because of the length of time that has passed since the application was first lodged.

Relevant Plans and Policies

There are no relevant plans or policies that relate to a decision to further defer consideration of the application.

Financial Implications

There are no additional costs associated with the proposed further deferral.

Stakeholder Consultation

No external stakeholder consultation was required or undertaken in relation to the officer recommendation.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could choose not to move the officer recommendation, in which case DA18/0674 will be returned to Council for assessment based on the information to hand for publication of the agenda for the ordinary Council meeting of 11 March 2020.

CONCLUSION

Whilst we and remain comfortable to recommend determination of the applicant based on information available at the time of publication of the 12 February 2020 agenda, officers accept that further traffic impact assessment would assist Council in its consideration of DA18/0674. That information would also assist the City more broadly in the ongoing review of its extractive industry policy framework. In order for the additional information to be provided for Council's further consideration of the subject application, however, additional time is required and officers are therefore recommending a two week extension of the deferral.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

A report will be presented to the Council's 25 March 2020 ordinary meeting.